

ORIGINAL

HERZLICH & BLUM, LLP
 Attorneys-At-Law
 ENCINO GATEWAY BUILDING
 15760 VENTURA BOULEVARD, SUITE 2024
 ENCINO, CALIFORNIA 91436-3095
 Telephone (818) 783-8991
 Facsimile (818) 783-6682
 Allan Herzlich State Bar #100920
 Jerome J. Blum State Bar #100317

**Attorneys for Lien Claimant
 Cardservice International, Incorporated**

RECEIVED

OCT 14 2011

Richard W. Wicking
 Clerk, U.S. District Court
 Northern District of California
 San Jose

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PATRICK GRANNAN, ON BEHALF OF)	CASE NO. CV 10-02803-HRL
HIMSELF AND ALL OTHERS)	
SIMILARLY SITUATED,)	OBJECTION TO MOTION FOR FINAL
Plaintiffs,)	APPROVAL OF SETTLEMENT,
vs.)	INCENTIVE PAYMENT; MEMORANDUM
ALLIANT LAW GROUP, P.C.,)	OF POINTS AND AUTHORITIES IN
Defendant.)	SUPPORT THEREOF
)	MAGISTRATE JUDGE
)	HON. HOWARD R. LLOYD
)	
)	DATE: November 1, 2011
)	TIME: 10:00 A.M.
)	DEPT: 2

TO PLAINTIFF PATRICK GRANNAN AND TO ALL INTERESTED PERSONS:

PLEASE TAKE NOTICE that CARDSERVICE INTERNATIONAL, INCORPORATED, a California corporation (hereafter, "Lien Claimant") shall, and hereby does, oppose PATRICK GRANNAN's (hereafter, "Plaintiff/Class Representative") Motion for Final Approval of Settlement, Incentive Payment on the grounds and bases more specifically set forth below.

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2 Said Opposition shall be based upon these opposition papers,
3 the Memorandum of Points and Authorities attached hereto, the
4 Court file herein, and such further evidence, oral and/or
5 documentary, as may be presented at the Court's hearing on said
6 Motion.

7
8 DATED: October 12, 2011

Respectfully submitted,
Herzlich & Blum, LLP

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10 By: 

Jerome J. Blum
Attorneys for Lien Claimant

MEMORANDUM OF POINTS AND AUTHORITIES

I.

PLAINTIFF/CLASS REPRESENTATIVE FAILED TO GIVE NOTICE OF HIS MOTION TO LIEN CLAIMANT. FURTHERMORE, SAID MOTION FAILED TO STATE THE DEADLINE TO FILE AN OBJECTION, AS REQUIRED BY LOCAL RULE 9014-1(b)(3)(A)(i).

As counsel for Plaintiff/Class Representative is aware, Lien Claimant has filed a lien in the instant action against Plaintiff/Class Representative PATRICK GRANNAN, as well as an Objection to the proposed Settlement with the Clerk of the Court (please see, "Declaration of Douglas J. Campion", Docket No. 33, p. 5, l. 9-15). Nevertheless, Plaintiff/Class Representative failed to give notice of his Motion to Lien Claimant, notwithstanding that his Motion seeks the approval of an incentive award to be paid to PATRICK GRANNAN that is subject to Lien Claimant's lien.

Furthermore, Plaintiff's Motion failed to comply with Bankruptcy Local Rule 9014-1(b)(3)(A)(i), which requires all motions to state conspicuously, inter alia, "that any objection to the requested relief, or a request for a hearing on the matter, must be filed and served upon the initiating party within 21 days of mailing of the notice."

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2 Since Plaintiff did not serve Lien Claimant with a copy of
3 his Motion, nor did his Motion comply with Bankruptcy Local Rule
4 9014-1(b)(3)(A)(i), it is respectfully requested that this Court
5 consider Lien Claimant's late-filed Objection.
6

7 II.

8 LIEN CLAIMANT OBJECTS TO THE PROPOSED SETTLEMENT TO THE
9 EXTENT THAT IT HAS FILED A LIEN IN THE INSTANT ACTION
10 AGAINST PLAINTIFF/CLASS REPRESENTATIVE PATRICK GRANNAN.
11

12 As noted above, Lien Claimant has filed a lien in the
13 instant action, as well as an Objection to the proposed
14 Settlement with the Clerk of the Court. Since the proposed Final
15 Judgment and Order of Dismissal with Prejudice (Docket No. 38)
16 includes a \$5,000.00 incentive award to be paid to PATRICK
17 GRANNAN that is subject to Lien Claimant's lien, it is
18 respectfully requested that if the proposed Judgment is granted,
19 it should first be modified so that the \$5,000.00 incentive
20 payment should instead be paid to Lien Claimant Cardservice
21 International, Incorporated, a California corporation, in care of
22 its Attorneys of Record, Herzlich & Blum, LLP.

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III.

CONCLUSION

For the reasons set forth above, it is respectfully requested that if this Court is disposed to grant Plaintiff's Motion, it should require the proposed Final Judgment and Order of Dismissal with Prejudice to be modified as specified in Section II above.

DATED: October 12, 2011

Respectfully submitted,
Herzlich & Blum, LLP

By: 

Jerome J. Blum
Attorneys for Lien Claimant

SERVICE LIST

Patrick Grannan
5319 University Drive, #309
Irvine, CA 92612

PLAINTIFF/CLASS REPRESENTATIVE

Douglas James Campion, Esq.
Law Offices of Douglas J. Campion
409 Camino Del Rio South, Ste. 303
San Diego, CA 92108

ATTORNEY FOR PLAINTIFF/CLASS REPRESENTATIVE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

Patrick Grannan, et al. v. Alliant Law Group, P.C.
U.S. District Court Case No. 10-02803-HRL

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 15760 Ventura Blvd., Suite 2024, Encino, CA 91436.

On October 13, 2011, I served the foregoing document described as OBJECTION TO MOTION FOR FINAL APPROVAL OF SETTLEMENT, INCENTIVE PAYMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF on the interested parties in this action as follows:

by placing the original X a true and correct copy thereof enclosed in a sealed envelope addressed as stated on the attached service list:

 X **BY MAIL** I deposited each such envelope in the mail at Encino, California. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Encino, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

 BY PERSONAL SERVICE I caused such envelope to be delivered by hand to the office of the addressee, as indicated on the attached service list.

 BY FACSIMILE I caused a true and correct copy of the within document to be transmitted by facsimile transmission, which was reported as complete and without error, to the address and telecopy number as indicated on the attached service list.

 OVERNITE EXPRESS **FEDERAL EXPRESS** **UPS**
I caused such envelope to be deposited, in accordance with the firm's practice of collection and processing correspondence for **overnight delivery** **2-day delivery** at the address(es) indicated on the attached service list.

Executed on October 13, 2011, at Encino, California.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.


Richard Contreras